

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN JOSE DIVISION

izmo CRM, INC.,

Plaintiff,

v.

PRIZE CORPORATION, a Tennessee
corporation, and DOES 1 through 20,
inclusive,

Defendants.

PRIZE CORPORATION,

Counterclaimant,

v.

izmo CRM, INC.,

Counterdefendant.

CASE NO. C10-00518 LHK

STIPULATED ORDER OF DISMISSAL

1 The parties have agreed to settle the above-entitled litigation pursuant to a confidential
 2 Settlement Agreement and Mutual Release (the "Settlement Agreement") and hereby stipulate
 3 that:

4 1. The Court shall dismiss the case at bar with prejudice but shall retain jurisdiction
 5 up to and including November 30, 2012 in the event that either party seeks to enforce the terms of
 6 the settlement;

7 2. Any party seeking to enforce the settlement shall file an *ex parte* motion and,
 8 where appropriate, an accompanying stipulation for entry of judgment, subject to the notice
 9 requirements set forth below, by no later than November 30, 2012, whereupon the clerk shall
 10 open the file;

11 3. Any *ex parte* motion to enforce the settlement shall be served upon counsel of
 12 record via email or facsimile transmission, with notice (i) effective on izmo CRM on the day it is
 13 served if served by 5:00 p.m. Pacific Time on a court day, or on the following court day if served
 14 otherwise, or or (ii) effective on Prize on the day it is served if served by 5:00 p.m. Central Time
 15 on a court day, or on the following court day if served otherwise;

16 4. Any opposition to an *ex parte* motion to enforce the settlement shall be filed and
 17 served within four (4) court days after service of the motion;

18 5. Any hearing on a motion to enforce the settlement shall be set for the earliest date
 19 and time available on the Court's calendar after the deadline for filing and serving the opposition
 20 papers has expired.

21 **IT IS SO STIPULATED.**

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2 Dated: June 29, 2011

HOPKINS & CARLEY
A Law Corporation

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4 By: Daniel F. Pyne
5 Daniel F. Pyne
6 Attorneys for Plaintiff and Counter-Defendant
7 izmo CRM, INC.

8
9 Dated: June 29, 2011

DINAPOLI & SIBLEY

10 By: John DiNapoli
11 John DiNapoli
12 Attorneys for Defendant and Counter-Claimant
13 PRIZE CORPORATION

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15 **PURSUANT TO THE STIPULATION, IT IS SO ORDERED.**

16 Dated: June 30, 2011

17 Lucy H. Koh
18 HON. LUCY H. KOH

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